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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

ERIKA MUSSER and BROOKE BENNETT,
on behalf of themselves,

Plaintiffs,

v.

CALIFORNIA DAIRIES, INC., a California
Corporation; UNITED DAIRYMEN OF
ARIZONA, an Arizona Corporation; KEITH
MURFIELD, an individual and
DOES 1 through 50, inclusive,

Defendants.

Case No. 1:20-cv-00899-AWI-SKO

**JOINT STIPULATION AND ORDER TO
STAY THE ACTION PENDING THE
COMPLETION OF PRIVATE
MEDIATION AND/OR ARBITRATION**

(Doc. 14)

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10 KEITH MURFIELD
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TO THE HONORABLE COURT:

Erika Musser and Brooke Bennett (collectively the “Plaintiffs”), California Dairies, Inc. (“CDI”), United Dairymen of Arizona (“UDA”), and Keith Murfield (“Murfield”) (CDI, UDA, and Murfield collectively the “Defendants”) (Plaintiffs and Defendants collectively the “Parties”), by and through their respective counsel of record, submit this Joint Stipulation and [Proposed] Order to Stay the Action Pending the Completion of Private Mediation and/or Arbitration (“Stipulation”) and respectfully request the Court issue an Order consistent with this Stipulation.

WHEREAS, Plaintiffs filed their Complaint and Demand for Jury Trial (“Complaint”) in the Superior Court in Tulare County on or about May 22, 2020;

WHEREAS, CDI removed this action to this Court on or about June 26, 2020;

WHEREAS, Plaintiff Musser agrees to dismiss her Complaint and all causes of action against CDI with prejudice;

WHEREAS, the Parties will engage in good faith settlement negotiations with respected private mediator Vivien Williamson on December 15, 2020;

WHEREAS, should mediation not be successful, the Parties agree to separately arbitrate Plaintiffs’ claims; Specifically, Plaintiff Bennett will arbitrate her claims against CDI pursuant to an arbitration agreement she entered with CDI during her employment, and Plaintiffs and Defendants UDA and Murfield will separately arbitrate Plaintiffs’ claims subject to a stipulation to proceed to arbitration;

WHEREAS, the Plaintiff Bennett and CDI arbitration shall be binding and proceed in accord with the arbitration agreement attached hereto as Exhibit “A”;

WHEREAS, Plaintiffs and Defendants UDA and Murfield have entered into an agreement to toll the statute of limitations and other time-based defenses Defendants UDA and Murfield may have to Plaintiffs’ claims to allow time for the Parties to complete the mediation before initiating arbitration, if necessary;

WHEREAS, the Parties agree good cause exists to stay this action until completion of the mediation and/or the arbitrations contemplated herein, and that such stay will promote judicial economy and prevent the Parties from incurring unnecessary costs and fees;

WHEREAS, the Parties will update the Court within 30 days of resolution of the matter, whether by mediation or arbitration(s);

IT IS HEREBY STIPULATED AS FOLLOWS:

1. Plaintiff Musser's causes of action against CDI are hereby dismissed with prejudice;
2. The case will be stayed pending the completion of mediation and/or arbitration(s);
3. Within 30 calendar days of completing mediation and/or arbitration(s), the Parties shall jointly notify the Court regarding the conclusion of the matter.

Based on the foregoing, the Parties respectfully request the Court to stay this action pending the completion of mediation and/or arbitration.

Dated: August 28, 2020 PATTERSON LAW GROUP, APC

By: /s/ James R. Patterson (as authorized on August 28, 2020)
James R. Patterson

Attorneys for Plaintiffs
ERIKA MUSSER and BROOKE BENNETT

Dated: August 28, 2020 LITTLER MENDELSON

By: /s/ Matthew E. Farmer (as authorized on August 28, 2020)
Matthew E. Farmer

Attorneys for Defendant
CALIFORNIA DAIRIES, INC.

Dated: August 28, 2020 JACKSON LEWIS P.C.

By: /s/ Douglas M. Egbert
Douglas M. Egbert

Attorneys for Defendants
UNITED DAIRYMEN OF ARIZONA and
KEITH MURFIELD

ORDER

Upon review of the above Stipulation (Doc. 14) and good cause appearing therefor, **IT IS HEREBY ORDERED AS FOLLOWS:**

1. Plaintiff Erika Musser's causes of action against Defendant California Dairies, Inc. ("CDI") are hereby dismissed with prejudice;
2. This action is stayed pending the parties' completion of mediation and/or arbitration(s);
3. Plaintiff Brooke Bennett and Defendant CDI's arbitration shall be binding and proceed in accord with the terms and conditions of the parties' arbitration agreement; and
4. Within 30 calendar days of completing mediation and/or arbitration(s), the parties shall file a joint status report apprising the Court regarding the status of the matter.

IT IS SO ORDERED.

Dated: September 3, 2020

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE